



Item No. 12 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENTAGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

**FROM: THERESA DELLASANTA, ASSISTANT TO THE CITY
MANAGER/CITY CLERK**

DATE: JANUARY 21, 2015

**SUBJECT: ADOPTION OF RESOLUTION 15-XX APPROVING UPDATE OF THE
TOWN'S CONFLICT OF INTEREST CODE AND APPENDIX "A"
DESIGNATING POSITIONS IN THE CONFLICT OF INTEREST CODE**

RECOMMENDATION

Adopt a Resolution Amending Conflict of Interest Code of Non-Elected Officials and Designated employees of the Town of Atherton.

BACKGROUND

California law requires public officials (both elected and non-elected) to disclose their economic interests to the public. Elected Officials including Council Members and Planning Commissioners and non-elected officials including the City Manager, City Treasurer, and City Attorney are designated by Government Code Section 87200.

87200.

This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of the High-Speed Rail Authority, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.

Non-elected officials (besides those covered under GC 87200) are designated by the agency's conflict of interest code. Those officials include the Assistant City Attorney, City Clerk, Police Chief, Building Official, Town Planner, Consultants, Engineers and Public Works

Conflict of Interest Resolution

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Superintendent. Essentially, a Town official is required to disclose economic interests if the official has any financial decision making authority.

The purpose of the disclosure requirement is to alert the public to any personal economic interests that may be affected during the public official's performance of duties. The disclosure occurs through the filing of the "Form 700" - Statement of Economic Interests, upon taking office. It is then filed on an annual basis and when the public official leaves office.

The Political Reform Act of 1974 requires all government agencies to adopt a Conflict of Interest Code. A Conflict of Interest Code lists each position within the Town that makes or participates in the making of governmental decisions which have a material financial effect on any financial interest. Individuals employed in these positions are called "designated employees." *The law further requires every local government agency to review its conflict-of-interest code every two years to determine whether the code must be amended.* The Conflict of Interest Code designates employees, members of boards, committees, commissions, City officers and consultants who by virtue of their positions, make or participate in making decisions which may affect their financial interests and who therefore must disclose these interests on the Fair Political Practices Commission Form 700 – Statement of Economic Interests of Designated Employees.

The update entails reviewing the disclosure categories and whether the designated employee list should be amended based on staffing changes. The review process involves changes in titles, addition or deletion of positions and designation of disclosure levels. When the Town engages the services of other consultants, their duties are reviewed to see if they should be treated as designated employees.

The only changes that have been made related to title changes.

FISCAL IMPACT

None.

ATTACHMENTS

Resolution No. 12-39

Appendix "A"

RESOLUTION 15-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING THE CONFLICT OF INTEREST CODE FOR DESIGNATED
EMPLOYEES BY APPROVING APPENDIX "A" DATED JANUARY 2015**

WHEREAS, the Political Reform Act of 1974, (Government Code Section 81000, et seq.), requires state and local government agencies to adopt and promulgate a Conflict of Interest Code;

WHEREAS, this Council approved a Conflict of Interest Code adopted by Resolution 91-6 on June 19, 1991, which has been amended from time to time to conform to amendments in the Political Reform Act, and by also approving as an APPENDIX "A" thereto, disclosure categories for certain designated positions with the Town of Atherton; and

WHEREAS, approval of this resolution superseded and repeals Resolution 12-39 which approved the last conflict of interest update; and

WHEREAS, the APPENDIX "A" containing the disclosure categories warrants updating to reflect current personnel status; and

WHEREAS, this Council, has determined that the attached APPENDIX "A" accurately sets forth those positions which should be designated and the categories of financial interests which should be made reportable for each position.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Atherton that the APPENDIX "A" dated January 2015, attached hereto and by reference made a part of the Conflict of Interest Code of the Town of Atherton, is hereby approved.

All former resolutions or parts thereof conflicting or inconsistent with the provisions of this resolution are superseded and repealed.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 21st day of January, 2015, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Rick DeGolia, Mayor
Town of Atherton

ATTEST:

Theresa N. DellaSanta,
City Clerk

APPROVED AS TO FORM:

William B. Conners,
City Attorney

APPENDIX "A"

TOWN OF ATHERTON
CONFLICT OF INTEREST CODE

LIST OF DESIGNATED POSITIONS

Date: January 2015

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Accountant	1
Assistant City Attorney	1
Building Official	1
Chief of Police	1
City Clerk (Assistant to the City Manager)	1
Deputy Town Planner	1
Director of Finance	1
Consultants*	1*
City Attorney	1
Information Technology	1
Police Lieutenant	1
Public Works Director	1
Associate Engineer	1
City Engineer	1
Public Works Superintendent	1
Town Planner	1

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

APPENDIX "A"

DISCLOSURE CATEGORY 1

SPECIFICATION SHEET

REPORTABLE INVESTMENTS, INTEREST IN REAL PROPERTY, AND INCOME

CONFLICT OF INTEREST CODE

TOWN OF ATHERTON

- * Investments (partnerships, common stock, etc.)
- Worth \$2,000 or more in business entities located in or doing business in the Town.
- * Interests in Real Property
-Worth \$2,000 or more located in the Town.
- * Interests in Real Property and Investments Held by Business Entities or Trusts
- * Income (Other than Loans, Gifts and Honoraria) Received During the Reporting Period
-Aggregating \$460 or more received from a source located in or doing business in the Town.
- * Loans (Received or Outstanding During the Reporting Period)
-Aggregating \$460 or more from a source located in or doing business in the Town.
- * Gifts (Received During the Reporting Period)
-Must disclose \$50 or more received from any source located inside or outside the Town. May not exceed \$460 from any single source.
- * Honoraria
-Received from any source located inside or outside the Town – generally prohibited, and if not, may be reportable as income or gift depending on the circumstances.
- * Business Positions
-Held in a business entity located in or doing business in the Town.
- * Commission Income (Gross payments received as a result of services rendered as a broker, agent, or salesperson).
- * Income and Loans to Business Entities or Trusts.
- * Income from Rental Property.

Refer for more detailed information to Definitions and Explanations in the Manual issued by the California Fair Political Practices Commission.